IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

TUESDAY, THE 11TH DECEMBER 2007 / 20TH AGRAHAYANA 1929

WP(C).No. 31529 of 2004(C)

PETITIONER:

N.DILEEPAN, S/O. CHOYI, NARANGALI HOUSE,
THIRUVANNUR ROAD, POST KALLAI, CALICUT.

BY ADV. SRI.P.V.KUNHIKRISHNAN

RESPONDENTS:
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1. THE DISTRICT EXECUTIVE OFFICER,
KERALA MOTOR TRANSPORT WORKER'S WELFARE
FUND BOARD, KOZHIKODE.

2. STATE OF KERALA, REP.BY ITS SECRETARY
LABOUR & REHABILITATION DEPARTMENT,
THIRUVANANTHAPURAM.

3. SPECIAL DEPUTY TAHSILDAR,
(ARREARS COLLECTION), KOZHIKODE.

R1 BY ADV. SRI.P.RAMAKRISHNAN, SC,KMTWF BOARD

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 11/12/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1 TRUE COPY OF THE AGREEMENT DATED 2.11.1990

EXT.P2 TRUE COPY OF THE FINAL DETERMINATION ORDER PASSED BY THE FIRST RESPONDENT DATED 21.12.2000

EXT.P3 TRUE COPY OF THE APPEAL MEMORANDUM DATED 14.3.2001

EXT.P4 TRUE COPY OF THE G.O.RT. NO. 1379/2004/LBR DATED 22.5.2004

EXT.P5 TRUE COPY OF THE REVIEW APPLICATION DATED 30.6.2004

EXT.P6 TRUE COPY OF THE RELEVANT PAGES OF RC BOOK

EXT.P7 TRUE COPY OF THE RR NOTICE (DR-64/04-05) ISSUED BY THE 3RD RESPONDENT DATED 24.9.2004

RESPONDENTS' EXHIBITS: NIL.

TRUE COPY

P.S. TO JUDGE.

C.N. RAMACHANDRAN NAIR, J.

W.P.C. NO. 31529 OF 2004

Dated this the 11th day of December, 2007

JUDGMENT

Even though petitioner is challenging Ext.P3 order in appeal, confirming the final determination order demanding motor transport workers welfare fund contribution from the petitioner, I do not find any ground to interfere with the orders, because demand is only for three workers upto 1994-95 and for 1995-96 demand is for five workers. Even though petitioner has stated that his family members were operating stage carriage on terms other than under employment, the same does not stand proved. Moreover, his claim for exclusion of his brother Sri. Sundardas is seen allowed by the lower authorities. In the circumstances, the demand is sustained. However, petitioner is granted three equal monthly instalments to clear the balance amount, first of which will be paid on or before 25th February, 2008 and the balance on or before 25th of two succeeding months. Revenue recovery will be kept in abeyance for payments as above and if the petitioner commits default in payment of any instalment, the instalment facility granted

herein will stand automatically cancelled and respondents will be free to proceed for recovery of the entire amount due.

W.P. is disposed of as above.

(C.N. RAMACHANDRAN NAIR)
Judge